

Board of County Commissioners

Division of Planning & Development

Code Compliance Department

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CODE ENFORCEMENT BOARD

March 8, 2004

The regular meeting of the Code Enforcement Board of Sumter County, Florida, was called to order on Monday, March 8, 2004 at 6:01 P.M. followed by the Pledge of Allegiance to the Flag.

The following members were present: Horton Barnes/Chairperson, Cliff Current/Vice - Chairperson, Tommy Messer, Charles Castle, Terry Pasko and Diana Couillard.

Cheryl Barnes was absent, and excused.

Present from the Code Compliance staff were Paul Jochum-Code Compliance Manager, Al Folden-Code Compliance Inspector and Alysia Akins-Code Enforcement Board Secretary.

Terry Neal-Attorney for Sumter County Code Compliance Inspectors was present and Randall Thornton-Attorney for the Code Enforcement Board was also present.

Mr. Current made a motion to approve the minutes from the February 9, 2004 meeting. Mrs. Couillard seconded the motion and the motion carried.

Mr. Jochum and Mr. Folden were sworn in.

Old Business:

The following cases have been issued an affidavit of compliance:

CE2003-0021/Brocklehurst

CC2003-187/Policastro

CC2003-106/Bartlett

CC2003-112/Plunkett

CC2003-305/Lyons

CC2003-376/Ely

The following case has a lien filed:

CC2003-347/Holden

**The following case will remain on the table and on next month's agenda:
CE2003-0015/Boyd**

CC2003-412/Sammons

Mr. Current moved to remove this case from the table. Mr. Messer seconded the motion and the motion carried.

Roy Sammons and Richard Winningham were present and sworn in. Mr. Jochum gave testimony that the property is in the process of being brought into compliance. Mr. Jochum testified today had been his last visit to the property, in which the property was close to being in compliance. Mr. Winningham testified the trailer on his property held his toolboxes and welding materials and was currently untagged. Mr. Winningham stated he had a boat trailer also that was tagged. Mr. Winningham testified he had been working on getting a fence built. Mr. Jochum recommended finishing the fence and tagging all trailers.

Mrs. Couillard made a motion to give the respondent 90 days to finish the fence and tag the trailers, or a fine of ten dollars (\$10.00) per day would be imposed for each and every day of non-compliance. There was no second.

Mrs. Couillard amended her motion to a fine of twenty-five dollars (\$25.00) per day. Mr. Castle seconded the motion and the motion carried.

New Business:

The following cases were noted in the record for filing of an affidavit of pre-hearing compliance:

CE2003-0023/Sutherland

CE2003-0116/R2B3 Partnership

CE2003-0094/Dickerson

File: #CE2003-0164/Hemmeke and East

911 Address: 3057 CR 431N/Lake Panasoffkee

Parcel: F29C041/OR 850 – PG 420

SCCV: 6-104(2) and 13-E312 SHC 307.4

There was no one present at the hearing. Mr. Jochum testified that the Request for Hearing had been sent by certified mail and that this was a repeat violation. Mr. Jochum gave testimony regarding the violations and showed photographs that had been taken on 12/8/03, 1/5/04 and 2/23/04. Mr. Jochum testified 3/8/04 had been his last visit to the property, in which the property remained in non-compliance. Mr. Jochum testified Russell Gibson was the tenant and that he appeared to repair his own personal vehicles on the property. Mr. Jochum stated he had been in contact with Michael East, property owner. Mr. Jochum testified the front yard had been fenced, but the rear yard had not been. Mr. Jochum recommended fencing the entire yard.

Mr. Current made a motion to give the respondent 30 days to bring the property into compliance by fencing the entire yard, or a fine of fifty dollars (\$50.00) per day would be imposed for each and every day of non-compliance. Mr. Castle seconded the motion and the motion carried.

Mr. Messer also made a motion stating if the respondent was brought back before the Code Enforcement Board, he would be levied a fine immediately. Mr. Pasko seconded the motion and the motion carried.

File: #CC2003-281/Freeman

911 Address: 8060 CR 630/Bushnell

Parcel: M28C048/OR 819 – PG 111

SCCV: Table 13-362A-3.912

Ted Freeman and Debra Savage were present and sworn in. Mr. Jochum testified that the Request for Hearing had been sent by certified mail and that he had been in contact with Mr. Freeman. Mr. Jochum testified 2/24/04 had been his last visit to the property and found the property to be in non-compliance. Mr. Jochum presented photographs that had been taken on 6/10/03 showing the violation. Mr. Jochum testified the property was zoned RR5 and consisted of 5 acres. Mr. Jochum stated Aimee Webb, Planning Technician, had been to the property also and there was an issue regarding setback requirements. Attorney Thornton recommended that Mr. Freeman speak to his neighbors about obtaining a “setback easement”. Ms. Savage testified she was the kennel worker and had concerns regarding relocating the kennels. Mr. Jochum discussed the kennel ordinance and stated Mr. Freeman had not filed for a special use permit as of this time. Mr. Freeman testified he had dogs fenced and in kennels, and sold puppies for income purposes. Mr. Freeman also testified the kennels were already on the property when he bought it. Mr. Freeman stated the kennels were 5’ x 10’ in size and were cleaned every day. Mr. Freeman had photos showing the current setbacks of the kennels from the property lines. Mr. Freeman discussed a purchaser who had bought a puppy with a staff infection. Mr. Freeman stated he was willing to comply by filing for a special use permit.

Mr. Current moved to give the Respondent 30 days to file for a special use application, or a fine of ten dollars (\$10.00) per day would be imposed for each and every day of non-compliance. Mrs. Couillard seconded the motion and the motion carried.

Mr. Current amended his motion to include hearing this case again at next month’s meeting. Mrs. Couillard seconded the amended motion and the motion carried.

File: #CC2003-282/Leonard

911 Address: 2834 SW 67th Lane/Bushnell

Parcel: N18=019/OR 779 – PG 1

SCCV: Table 13-362A-2.110 and 6-104(4)

Patricia Leonard was present and sworn in. Mr. Folden testified that the Request for Hearing had been sent by certified mail, and the property had been posted on 2/26/04. Mr. Folden testified 3/8/04 had been his last visit to the property and found the property to still be in non-compliance, although the Respondents have complied with Table 13-362A-2.110. Mr. Folden presented photographs that had been taken on 10/16/03 and 2/26/04 showing the violation. Mr. Folden testified there were approximately 15 untagged and inoperable vehicles on the property as of today. Mrs. Leonard stated half of the vehicles have been removed and they are working on getting the rest removed.

Mr. Messer moved to give the Respondents 30 days to finish removing the vehicles from the property, or a fine of fifty dollars (\$50.00) per day would be imposed for each and every day of non-compliance. Mr. Current seconded the motion and the motion carried.

File: #CC2003-404/Okulski

911 Address: 754 CR 485A/Lake Panasoffkee

Parcel: J09A061/OR 596 – PG 247

SCCV: 6-104(5)

The Respondent was not present. Mr. Jochum testified that the Request for Hearing had been sent by certified mail and the property had been posted on 2/23/04. Mr. Jochum testified 2/23/04 had been his last visit to the property and found it to still be in non-compliance. Mr. Jochum presented photographs that had been taken on 12/2/03 and 2/23/04 showing the violation. Mr. Jochum testified the existing mobile home on the property is currently unoccupied and stated he had been unable to make any contact with the property owner.

Mr. Castle moved to give the Respondent 30 days to bring the property into compliance, or a fine of twenty-five dollars (\$25.00) per day would be imposed for each and every day of non-compliance. Mrs. Couillard seconded the motion and the motion carried.

File: #CE2004-0051/Joiner

911 Address: 12052 CR 721/Linden

Parcel: T17=030/OR 693 – PG 639

SCCV: Table 13-362A-3.544

Matt Joiner and Cynthia Wise were present and sworn in. Mr. Jochum testified that the Request for Hearing had been sent by certified mail, and by personal delivery. Mr. Jochum testified 2/4/04 had been his last visit to the property. Mr. Jochum presented photographs that had been taken on 2/4/04 showing the property and donation signs. Mr. Jochum testified there were 3 more parcels involved with this case: T07=028, T08=007 and T18=055. Mr. Jochum informed the Board Mr. Joiner had been in the office to meet with Richard Helms, Development Coordinator, regarding what was needed for a special use permit and was told the mud bogging activity would be a non-permitted use until appropriate approvals are received. Mr. Jochum stated he had granted Mr. Joiner an additional 30 days to file for the proper permits. Joseph Capporelli, abutting property owner, was present and sworn in. Mr. Capporelli presented photographs he had taken from his property of the mud bogging area, and testified the last event had been held on 2/22/04. Mr. Joiner and Mrs. Wise testified they had been in contact with Gene Altman, Southwest Florida Water Management District, and were working on the permitting process. Mr. Joiner and Mrs. Wise explained donations only were accepted and money had been given to charity. Attorney Thornton recommended that staff place location maps in the board member agendas. Attorney Thornton discussed the complaints that had been filed regarding noise and traffic. Mr. Jochum testified the events were still held after a cease and desist order had been mailed out. Mr. Jochum submitted copies to the Board members of an article in the Sumter Sun regarding the mud-bogging event. Mrs. Wise stated Mr. Joiner would like to hold the mud-bogging events once a month. Attorney Thornton stated hours of operation and number of events would be monitored through the special use permit process. The application process was discussed.

Mrs. Couillard moved to give the Respondent 30 days to file for a special use application. The motion included a fine of two hundred fifty dollars (\$250.00) per vehicle, if the event

takes place before the required approvals are received. Mr. Messer seconded the motion and the motion carried.

Mr. Jochum presented a plaque of appreciation to Mr. Current. Mr. Barnes informed the Board members that Mr. Drexel Clark would be replacing Mr. Current.

There being no further business, Mrs. Couillard made a motion to adjourn at 7:30 PM. Mr. Messer seconded the motion and the motion carried.

Chairman

Recording Secretary